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RUFOAOA/USNIC SARAJEVO IMMEDIATE

C O N F I D E N T I A L SECTION 01 OF 02 SARAJEVO 001148

SIPDIS

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STATE FOR EUR (DICARLO), D (SMITH), P (BAME), EUR/SCE
(ENGLISH, SAINZ, FOOKS), EUR/ACE (VISOCAN, LONGI), S/CT
(BLACK), S/WCI (HODGKINSON), INR, THE HAGUE (JOHNSON), NSC
FOR BRAUN, VIENNA FOR LEGATT (DIETDERICH), OSD FOR FLORY,
USDOJ FOR CRIMINAL DIVISION - ICITAP (DELCORE)

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SUBJECT: BOSNIA: POLICE REFORM FOUNDERING ON ROCKY SHORES

Classified By: AMBASSADOR DOUGLAS MCELHANEY FOR REASONS 1.4 (B), (D)

11. (C) SUMMARY. On May 3, the Police Reform Directorate (PRD), by majority vote, approved a plan for a a single police structure consisting of two tiers (state and local) with budget and legislation at the state-level (BiH Parliament). Republika Srpska (RS) PM Milorad Dodik has publicly opposed the non-consensus decision, a stance backed by the RS National Assembly on May 10. The European Commission, however, seems ready to show some flexibility, including on the issue of cross-entity police districts. In discussions with the Ambassador, Dodik argued that he lacked a single European interlocutor and needed to preserve a role for the RS entity in policing. But he could accept certain responsibilities at the state level, including the national police budget. The EU Police Mission plans to keep the PRD chugging along with the goal of producing a reform plan. But it may be that EU flexibility (already visible), rather than RS concessions, is the key to eventual agreement. End Summary.

MACHINATIONS OF THE POLICE REFORM DIRECTORATE (PRD) AND
BOSNIAN SERB OPPOSITION

12. (C) The PRD, which has been meeting since the end of January, held its ninth and tenth meetings on April 26th and May 3rd. The previous eight meetings resulted in little substantive debate or resolution. On April 26th, the Bosniak and Bosnian Croat members reached a consensus -- without the Bosnian Serbs -- on a single police structure consisting of two tiers (state and local) with budget and legislation at the state-level (BiH Parliament). This model eliminated any meaningful role for the two entities and ten cantons in policing. This was also a model supported by the EU Police Mission (EUPM) and the EC. Because of RS opposition, however, the vote was postponed until May 3rd. On May 3rd, the PRD issued an "opinion" supporting the two-tiered model with seven votes in favor, the RS opposed, and the state-level police director Novic (Serb) abstaining.

13. (C) RS PM Dodik, backed by RS President and SDS leader Cavic, has stated since that he cannot agree to a plan that would eliminate the RS Interior Ministry. He also has challenged the EU's interpretation of the earlier "police reform principles" agreement signed last October, refusing to accept any PRD decision not reached by consensus (rather than

majority vote). On May 10, the RSNA passed a resolution backing Dodik's stance.

OHR AND EC CAVING

¶4. (C) While the High Rep sent a letter to Dodik on April 27 noting "growing concern in Brussels about some of the positions taken by the RS on police reform," over the last month OHR and the EC have begun to reconsider. Among themselves, it appears they have already agreed to one of Dodik's demands -- no cross-entity police districts. EC Ambassador Humphreys has told us that the EC is concerned about Serbia and Montenegro (SAM) Stabilization and Association (SAA) negotiations and does not want to face political crises in two countries at this time. As a result, the EC does not want to stop the Bosnian SAA talks -- the likely cause of their increased flexibility vis-a-vis RS demands.

AMBASSADOR MEETS WITH DODIK

¶5. (C) On May 16th, the Ambassador met with Dodik to discuss a wide range of issues including police reform (septel). Dodik argued that he lacked a real interlocutor from the EU side. In his view, he has presented his ideas to Humphreys, to OHR, and to individual EU Chiefs of Mission, he claimed, without getting a sense of their real bottom line -- either collectively or individually. Dodik told the Ambassador that he had no problem with one police law at the state level, nor did he have any problem with a single budget at the state level -- provided funds were passed through RS structures in accordance with designated line items. Dodik also wants to preserve a role for the RS entity in policing, with two or

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three police zones contained within the current boundaries of the RS.

¶6. (C) Dodik told the Ambassador that he had criticized the police directorate's non-consensus procedure because any report adopted in that way would never be passed by the members of entity and state parliaments. The Ambassador countered that Dodik was arguing for an RS veto (Dodik claimed he was not). However, Dodik assured the Ambassador that he would not pull his representative out of the directorate, nor would he reject its decisions a priori.

COMMENT

¶7. (C) With general elections approaching in October, it will be hard for Dodik (or any RS politician) to show flexibility on this hot-button issue in the coming months. But he may not have to. Recent discussion among Steering Board Ambassadors indicates that the Europeans -- with their focus on stability -- are willing to show considerable flexibility themselves when it comes to interpreting whether an agreement meets EU standards. Dodik's determination to preserve the RS entity's role in policing even if this means stalling the SAA talks has been more successful than it would have been a year ago; EU countries may well be satisfied with half a loaf.

¶8. (C) Despite calls by some to postpone further talks until after the October elections (violating the timeline laid out in last year's political agreement), EUPM plans to keep the PRD chugging along with the goal of producing a reform plan. It may well be that the problem is solved not by RS concessions, but by the EU moving the goalposts to construct a more playable field. End Comment.

MCELHANEY